FOR MYSORE STATE

Home (1953) Department.

12 SERIES

G.O. NO. 3954

Dated 19-11-53

[Despatch Abstract.]

Public Service. Prosecuting Staff
South Kanara Dist. - one temporary
Addl Assistant Public Prosecutor
Grade II and one Peon - Retention

sanctioned -

Copy of Ref. C3. 7230/53 dated 1.9.1953 of the District Magistrate, South Kanara to the Secretary to Government, Home Department, Madras 9.

Sub: COURTS - Criminal - South Kanara District - Court of the Special I Class Magistrate for the trial of Chit Fund Cases - Employment of a Special I Class Magistrate and staff - further retention - Sanction requested.

Ref: (1) G.O. Ms. No.1116, Home Department dated 5.4.1953.
(2) G.O. Ms. No. 1326, Home Department dated 22.4.1953.
(3) G.O. Rt. No. 2882, Home Department dated 11.8.1953.

The Court of the Special I Class Magistrate for the trial of Chit Fund Cases started functioning from 8.5.53. The following staff was sanctioned in G.O. Ms. 1116, Home Department dated 5.4.53 for a period of 3 months from the date of employment.

1. One Special I Class Magistrate (Dy. Collector's grade)
2. One lower division clerk
3. One typist
4. One attender
5. Two peons.

The post of an assistant Public Prosecutor Grade II and a peon were also sanctioned in G.O. cited second above. In G.O. Rt. No. 2882, Home Dept. d/11.8.53, the Government were pleased to sanction the retention of the temporary staff till 7.10.1953.

2. The total number of cases on the file of this court uptodate is 8 out of which 5 cases ~~in which~~ the accused were available have come up for trial while in the remaining 3 cases the accused ~~xx~~ are absconding; 217 witnesses have so far been examined for prosecution in the cases which have come up for trial. In one case the accused persons were arrested only a few days back and the enquiry is yet to be taken up. I enclose a copy of the report of the Special I Class Magistrate for the trial of Chit fund cases wherein the stage of each case pending has been explained. Having regard to the volume of work remaining to be done it is necessary to retain this court for a further period of two months from 7.10.53. I therefore recommend that the Government may be pleased to sanction the retention of the staff sanctioned in the two G.Os. cited above for a further period of 2 months from 7.10.1953.

/true copy/

Superintendent

177942

9/9/53.

Home Depot

Submitted for perusal. The High Court's remarks in the matter have been called for. This may lie over till the retention of the court is sanctioned or till 1-X-53 whichever is earlier.

14.9.53

14/9/53

Copy of Ref. C.No. 17/53 (4) dated 23.8.1953 from the Special I Class Magistrate for trial of Chit fund cases, Mangalore to the District Magistrate, South Kanara.

Courts - Criminal - South Kanara district - Trial of cases against certain chit fund court of special I class Magistrate - Sanction - Extension - further report.

Ref: This office report Ref.C.No. 17/53 (2) dated 13.7.1953.

In this office report cited reiterating my proposals previously submitted in my prior report Ref.17/53 (1) 8 dated 13.6.1953 I had requested for obtaining extension of sanction for my court for two months from 7.8.1953 afternoon. The extended sanction if granted for the continuance of my court would expire on 7.10;53, afternoon. In my report dated 13.7.53 cited I had however reported that further extension if necessary will be applied for in due course.

The total number of cases on the file of this court upto date is 8 out of which 5 cases in which theaccuseds are available have come up for trial while in the remaining 3 cases the accused are absconding. Since the submission of my report dated 13.7.1953 cited, the progress of work in my court has reached the stages as shown below:

C.C.No.	Police Station & F.I.No.	No. and name of accused.	Stage.
1	2	3	4
1/53	Hosdrug F.I. 26/52	I.B.D'Sa	71 witnesses examined. Charge under section 420 I.P.C. (with three heads) framed on 31.7.53. Further cross examination progressing. 15 witnesses further cross examined.
2/53	Mangalore North F.I.190/52	D. Ratna Varma Raja & 2 others	99 witnesses examined and charge with three heads under section 420 read with section 34 I.P.C. framed against all accused on 17.8.53. Posted to 25.8.53 for further cross examination.
3/53	Mangalore South F.I.178/52	C. Krishna Pillai	Accused still absconding. N.B.W. pending with T.C. State Police
4/53	Mangalore South F.I.59/52	M.K. Krishnan alias M. Krishna Menon	Accused still absconding N.B.W. pending with T.C. State Police.
5/53	Kasargod F.I. 83/52	I. Narayana Adapa alias Adiraja 2. C.H. Abdul-Rahiman	A1 absconding. Case against him split up as C.C. 6/52. Case against A.2. proceeded with. 49 witnesses examined and charge with three heads under section 420 and 34 I.P.C. framed further cross examination of P.Ws. progressing 16 out of 49 witness further cross examined. Posted to 9.9.53 for continuing further cross examination of remaining P.Ws.
6/53	Kasargod F.I.83/52	Narayana Adapa alias Adiraja	Case split up from C.C. 5/52 Accused absconding. Evidence under section 512 Cr.P.C. recorded and case recommended on 31.7.53 for being entered in Regist- I.P.C.

7/53	Udipi F.I.35/52.	Gopinatha Menon and another.	Both the accused who were absconding since apprehended, A.2 on 17.8.53 and A.1 on 31.7.53. Posted to 26.8.53 for enquiry.
8/53	Puttur F.I.11/52	N. Seshappaya alias Kudrethaya	47 witnesses examined out of 75 witnesses cited in charge sheet. Posted to 27.8.53 for continuing enquiry.

From the particulars furnished above it will be seen that two cases viz. C.C. 3/53, C.C. 4/53 could not even be touched as the accused are absconding and the N.B.Ws. issued for their apprehension are still pending with the police. In C.C. 6/53 in which also the accused is absconding evidence under section 512 Cr.P.C. has been recorded after taking action under section 87 and 88 Cr.P.C. and the case records have been submitted to the District Magistrate for orders, to transfer the case to the Register of long pending cases. Among the remaining five cases in which the accused are available, C.C.7/53 has yet to be taken for enquiry as the accused were apprehended very lately. The enquiry could be taken up in the remaining four cases and they are making headway as submitted above.

I have been straining every nerve of mine to complete by 7.10.53 the work in all the four cases C.C. 1/53, 2/53, 5/53, and 8/53 in which enquiry had been started and I expect to achieve my progress according to plan and be able to wind up my court by 7.10.1953. But quite unexpectedly certain developments have come up as a result of which the quick despatch of work in my court has been considerably impeded. In the middle of this month there was a change in the personnel of the special A.P.P. II sanctioned for this court. Sri K.P. Achuthaya, Sub Inspector of Police who was posted in charge at the beginning as Special A.P.P. II for my court and was in charge of the prosecution from commencement of the court till the middle of this month was reverted and Sri V. Krishnappa Shetty was posted in his place. The change in the personnel of the Special A.P.P. II for my court at this stage when the cases have made headway with witnesses in scores and exhibits in hundreds is a veritable handicap and the new A.P.P. is finding himself virtually at sea and not able to give any assistance to the court in getting through the evidence speedily. The sudden apprehension of the two absconding accused in C.C. 7/53 after prolonged efforts to get at them is another cause for impeding the progress in the other four cases. Both the accused in C.C. 7/53 are remanded as they have no bail to offer as a result of which the case has to be heard at Udipi frequently without exceeding the 15 days remand for the accused in custody. The trial in that case which is about to begin now cannot under any circumstances be completed by the end of September, 1953 as it involves nearly seventy witnesses almost all of Udipi and its neighbourhood and exhibits in hundreds. To add to these two important circumstances the existence of a number of holidays about ten in number including Sundays in the month of September 1953 makes the chances of my completing the work within the period of sanction i.e. by 7.10.1953 rather remote in spite of all my efforts to wind up the court by that date.

In the circumstances referred to above I am afraid I may not be able to complete the work of my court by 7.10.1953 and to wind it up by that date. To complete the work of the cases which have made headway so far and to dispose of the cases which have just been taken up it would require at least two months more beyond 7.10.1953. I therefore submit that the sanction for my court may be got extended till the end of November, 1953 or till the work of the court is completed whichever is earlier.

/true copy/

Superintendent

(Cts II)

7

GOVERNMENT OF MADRAS

SECRETARIAT

SUBJECTS - Criminal - South Kanara district - Trial of cases against certain chit funds - Special First Class Magistrate and staff - Retention - Sanctioned.

HOME (Courts) DEPARTMENT

G.O.R. No. 5792, dated 30th October 1953.

READ the following:-

(1) G.O.R.No. 2882, Home, dated 11th August 1953.

(2) From the District Magistrate, South Kanara, C3.7230/53, dated 1st September 1953 and 5th October 1953.

(3) From the Board of Revenue, ~~B.P.C.5514/53-2~~, B.P. R+ 7046 ~~dated 6th October 1953.~~ 23rd September 1953.

(4) From the High Court, R.O.C.No. 5514/53-2, dated 8th October 1953.

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ASSISTANT SECRETARY TO GOVERNMENT 31 OCT 1953 HOME DEPARTMENT

206276 31.X.53

(2)

ORDER:

1 3 31/10/53

The Government sanction the retention upto 7-12-1953 of the following temporary staff in the South Kanara district, last sanctioned in G.O.Rt.No. 2882, Home, dated 11-8-1953, in connection with the trial of certain chit fund cases:-

(1) One Special First Class Magistrate (in the grade of a Deputy Collector)

(2) One lower division clerk

(3) One typist

(4) One attender; and

(5) two peons.

2. The ~~recurring~~ expenditure should be debited to the relevant sub-heads of appropriation under "27. Administration of Justice - h. Criminal Courts".

3. The retention of the temporary staff mentioned in paragraph 1 above beyond 7-10-1953 in anticipation of the sanction of the Government is approved.

4. Orders regarding the retention of the Assistant Public Prosecutor, Grade II for the conduct of the cases will issue separately.

(BY ORDER OF THE GOVERNOR OF MADRAS)

T.N.S. NACHIYAR,
Secretary to Government.

To the Registrar, High Court, Madras.
To the District Magistrate, South Kanara.
To the Board of Revenue (Land Revenue), Madras.
To the Accountant-General, Madras, through the Finance Department.
To the Accountant General, Madras, 'Duplicate' copy by name cover.
Copy to the Revenue Department.
Copy to Courts III./

/True copy/ Forwarded/By order

SUPERINTENDENT

CRO 177962/53 | Cw Rt No. 3954. dated 19.11.53.

Issue

Public Service - Prosecuting Staff - South Kanara Dt - One temporary Addl. Assistant Public Prosecutor Grade II and one peon - Retention - Sanctioned.

Read Cw Rt No 3039 Home d 26.8.53
Read also:- From the Collector of South Kanara C3. 7230/53 d 1-9-53.
Cw Rt No 3792 Home d 30.X.53

ORDER.

The Government sanction the retention upto 7th December 1953 or till the need ceases whichever is earlier of the temporary post of Addl. Assistant Public Prosecutor Grade II and a peon, in the South Kanara Dt, sanctioned in Cw Rt No 3039 Home dated 26-8-1953.

2. The expenditure should be debited to the relevant sub heads under "27. Administration of Justice - h. criminal courts - voted"

3. The retention of the temporary staff referred to in para 1 above beyond 7-X-1953 in anticipation of the sanction of the Government is approved.

To
The Collector of South Kanara
The I.G. of Police, Madras
The Reg. High Court
The A-G. Madras (this Fin Dept.)
Stc

CNo.177942/53

305

Public Services - Prosecuting Staff - South Kanara District - One temporary addl. Assistant Public Prosecutor Grade II and one peon - Retention - Sanction of

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p1 cf

From the D. M. South Kanara C2. 72301/53 dated 1-9-53.

p7 cf

Joined as Cno RT 3792 Home d 30.x.53

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p7 cf ¶ (V)

In Cno Ms No 1326 Home dated 22-4-1953 the Government sanctioned the employment in the South Kanara District for a period of three months of a temporary addl. Assistant Public Prosecutor Grade II and a peon in connection with the conduct of prosecution before the special First Class Magistrate sanctioned in Cno Ms No 1116 Home dated 5-4-1953 for

p5 cf ¶ (V)(A) trial of cases against certain chit funds. The retention of the post of A. P. P. Grade II and his peon was sanctioned upto 7th October 1953

p5 cf ¶ (A) vide Cno RT No 3039 Home d 6-8-1953.

The Collector of South Kanara

p x abp 1 cf has recommended that having regard to the volume of work remaining to be done, the special Court and the post of A. P. P. Grade II attached to that Court and his peon may be retained for a further period of two months from 7-x-1953.

p7 cf The Government have since sanctioned the retention of the spl. Court upto 7-XII-1953 of the special Magistrate's Court. Hence the retention of the post of A. P. P. Grade II and his peon may be sanctioned upto 7-XII-1953

2

1

Subject to orders a draft order is submitted for approval.
Finance may see for acceptance.

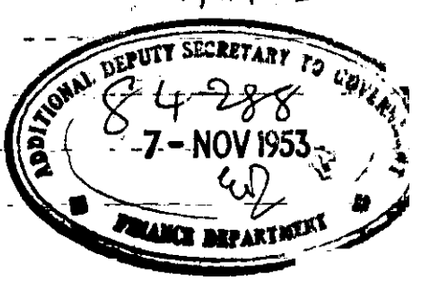
PS. 4/11/53 — fgs 4.11.53 — Fin. — Cy 208/40

4/11/53 — 4.11.53 — A.S. — Home W0177942 CS

7/11/53

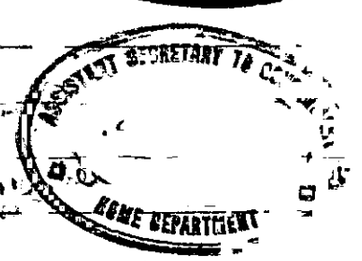
Fin (ST)

Notes of Home from p 1 above may be perused.
The draft order below may be accepted.



11.11.53 — 14/11/53 — CS 16/11/53

Home



Home Depot

Fin no 84288 EI

16-11-53

The draft order below may now issue.

DS 16.11.53 — 17.11.53 — fgs 17.11.53 — 18/11/53 — A

Issued as Govt Rt No 3954 dated 19/11/53.